



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice: Application for Permit

APPLICATION NO.: NWW-2005-2600135

WATERWAY: Canyon Hill Lateral

APPLICANT: City of Caldwell

DATE ISSUED: November 13, 2012

END DATE: December 4, 2012

21-Day Notice

Interested parties are hereby notified that this District has received an application for a Department of the Army permit for certain work in waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled *Canyon Hill Lateral Re-Alignment; Sheets 1-3*; and dated *October 18, 2012*.

APPLICANT: City of Caldwell, Mr. Lee Van De Bogart, City Engineer; 621 Cleveland Boulevard, Caldwell, Idaho 83605; (208) 455-4670

USACE PM CONTACT: Mr. Eric Gerke, Boise Regulatory Field Office, phone (208) 345-2286

PURPOSE: Purpose of the proposed project is to expand the Caldwell Industrial Airport.

WATERWAY: Canyon Hill Lateral, an irrigation canal with connection to the Boise River.

LOCATION: The proposed project would be located near the intersection of Smeed Parkway and Linder Streets, Section 25 & 36, Township 4 North, Range 3 East, near latitude 43.64839° N and longitude -116.63921° W, in Canyon County, in Caldwell, Idaho.

DRIVING DIRECTIONS: From I-84 proceed approximately ½-mile east from the Franklin Exit, Caldwell to Smeed Parkway. Turn right onto Smeed parkway. Proceed one mile to the intersection of Smeed Parkway and Linder Street. Turn left onto Linder Street and travel east ¼-mile toward the Hubler Terminal.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: Proposed work activities include the realignment of the existing irrigation canal located on airport property. The overall impacts of the proposed project include: excavation of approximately 2,458 linear feet of new canal channel; grade to meet elevation of adjacent airport facilities and existing ground; placement of 48 linear feet corrugated metal pipe, backfill with native material; backfill approximately 2,190 linear feet of current canal channel. Approximately 1,550 cubic yards of fill material (pipe, native soil) will be placed below the ordinary high water mark to realign this section of the Canyon Hill Lateral, a water of the United States. No wetlands adjacent to the Canyon Hill Lateral are proposed to be impacted.

CONSTRUCTION PERIOD: Applicant proposes to start construction in December 2012 and end in March 2013. If unable to finish the entire construction project during this time period, then the action will begin in November 2013 and end in March 2014. The permit would authorize construction for a period of three (3) years.

PROPOSED MITIGATION: Per CFR 325.1(3)(7) and 33 CFR 332.4(b), the applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States, including wetlands, from activities involving discharges of dredged or fill material:

Project activities propose to impact only that section of the Canyon Hill Lateral that is needed to expand the Caldwell Industrial Airport. The project, as proposed, would backfill approximately 0.553 acres of the currently open canal and pipe approximately 0.536 acres of upland for the newly excavated canal (see attached drawings for details). There is no wetland/wetland fringes associated with this section of the Canyon Hill Lateral. Applicant is currently proposing no additional mitigation as connection of the Canyon Hill Lateral to the Boise River will continue after project has been completed.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT: None

WATER QUALITY CERTIFICATION: This notice will also serve as public notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharge of dredge and/or fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within sixty (60)-days of this public notice date, and an extension of this period is not requested by and granted to the IDEQ, certification will be considered waived. Additionally, within thirty (30)-days of this Public Notice, any person may provide written comments to IDEQ, and request in writing, that IDEQ provide them notice of their preliminary 401 Certification decision. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Boise Regional Office, 1445 N Orchard, Boise, Idaho, 83706.

AQUATIC RESOURCE DESCRIPTION: The aquatic resources consist of a manmade irrigation canal that is located on property owned by the Caldwell Industrial Airport. The canals normally operate between March 15 and October 15 each year and run dry the rest of the year.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: At this time, there are no known impacts to the aquatic environment.

CULTURAL RESOURCES: Coordination between the applicant and the office of the Idaho State Historic Preservation Officer was completed on October 12, 2012. Section 106 Evaluation stated no additional investigations were recommended; project may proceed as planned. Identification of Historic Properties (36 CFR 900.4) found no historic properties were identified within the project area; property is not eligible for listing (unnamed ditch); and no historic properties will be affected within the project area. Assessment of Adverse Effects (36 CFR 800.5) determined "project will have no adverse effect on historic properties". We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Northern Paiute, Shoshone Paiute and the Shoshone-Bannock Tribes, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, executive orders and the historical relations between the United States and American Indian Tribes. The Federal Government has a unique trust relationship with federally recognized American Indian Tribes, including the Northern Paiute, Shoshone Paiute and the Shoshone-Bannock Tribes. The Corps has an obligation and responsibility to consider and consult on potential effects to Tribal rights, uses and interests. The Corps further recognizes there may be a need for additional and on-going consultation.

ENDANGERED SPECIES: No listed threatened or endangered species or designated critical habitats are known to exist in the project area. The U.S. Fish & Wildlife Service acknowledged “*no effect*” for determination of the endangered Snake River Physa Snail, *Haita (Physa) natricina* and any associated proposed or designated critical habitat and the future conservation of the candidate species of Yellow-Billed Cuckoo, *Coccyzus americanus*; and Northern American Wolverine, *Gulo gulo luscus*, on October 16, 2012, as required under the Endangered Species Act of 1973 (87 Stat. 844; 16 U.S.C. 1531 et.seq.).

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

ENVIRONMENTAL IMPACT STATEMENT: Preliminary review indicates the proposed activities will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT & REVIEW PERIOD: Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers
Mr. Eric Gerke
Boise Regulatory Field Office
10095 W Emerald Street
Boise, Idaho 83709
eric.m.gerke@usace.army.mil

Comments should be received no later than the comment due date of **Tuesday, December 4, 2012**, as indicated on this notice, to receive consideration.

Eric Gerke
Sr. Project Manager
Walla Walla District

Enclosures